10/047122

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Certificate

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FROM:

Name: Thomas H. Martin

Phone No.: 330-877-2277

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Subject: Request for Certificate of Correction
U.S. Patent No. 6,958,069
Issued: October 25, 2005
John I. Shipp et al.
INSTRUMENTS AND METHODS FOR USE IN LAPAROSCOPIC SURGERY
Attorney Docket No.: 121.0001-00000
Customer No. 22882

Date: November 15, 2005

Confirmation Copy to Follow: No

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Request for Certificate of Correction with Form PTO-1050 (in duplicate) and 9 sheets of supporting documents are being facsimile transmitted to the U.S. Patent and Trademark Office on November 15, 2005.

Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

PATENT
Attorney Docket No. 121.0001-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent of:	)	
John I. Shipp et al.	)	(Serial No.: 10/047,122)
Patent No.: 6,958,069	)	
Issue Date: October 25, 2005	)	(Filed: January 15, 2002)
For: INSTRUMENTS AND METHODS FOR USE IN LAPAROSCOPIC SURGERY	)	

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of PTO Form 1050 are appended. The complete Certificate of Correction involves one (1) page.

The mistakes identified in the appended Form occurred through the fault of the Patent Office, as clearly disclosed by the records of the application which matured into this patent, and as evidenced in the attached copies of the following documents:

1. Page 2 of Amendment dated January 25, 2005, showing the correct language of issued claim 6 (pending claim 10);
2. Page 4 of Amendment dated January 25, 2005, showing the correct language of issued claim 19 (pending claim 26);
3. Page 5 of Amendment dated January 25, 2005, showing the correct language of issued claim 27 (pending claim 35);
4. Pages 6 and 7 of Amendment dated January 25, 2005, showing the correct language of issued claim 37 (pending claim 39) and issued claim 49 (pending claim 43);
5. Page 9 of Amendment dated January 25, 2005, showing the correct language of issued claim 70 (pending claim 64;

6. Page 10 of Amendment dated January 25, 2005, showing the correct language of issued claim 74 (pending claim 68) and issued claim 73 (pending claim 72); and
7. Pages 12 and 13 of Amendment dated January 25, 2005, showing the correct language of issued claim 46 (pending claim 105), issued claim 53 (pending claim 110); issued claim 54 (pending claim 111), issued claim 55 (pending claim 112), and issued claim 84 (pending claim 116).

Issuance of the Certificate of Correction containing the correction is earnestly requested.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: November 15, 2005

By: _____
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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO: 6,958,069
DATED: October 25, 2005
INVENTOR: John I. Shipp et al.

It is hereby certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10, line 65:
Change "steps" to -- step --.

Column 11, line 60:
Change "to insert" to -- to be inserted --.

Column 12, line 21:
Change "moving" to -- removing --.

Column 13:
Lines 2 and 3: rewrite as follows:
--animal or human body cavity, the extractor comprising:
a body having a leading end, a trailing end, a longitudinal axis,--.
Line 42: after "dilator" to -- to move --.
Line 55: change "position" to -- position, --.
Line 57: change "a" to -- the --.

Column 14:
Line 5: delete "and".
Line 9: after "end" insert -- of --.
Line 14: delete "a".

Column 15:
Line 26: change "a" to -- at --.
Line 40: after "having" insert -- a --.
Line 41: change "expended" to -- expanded --.

Column 16:
Line 10: change "an" to -- and --.
Line 39: change "bite" to -- bile --.

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PATENT NO. 6,958,069
No. of add'l copies
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FORM PTO 1050 (Rev.2-93)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO: 6,958,069
DATED: October 25, 2005
INVENTOR: John I. Shipp et al.

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PATENT NO. 6,958,069
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FORM PTO 1050 (Rev.2-93)

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-5. (cancelled).

6. (previously presented) A method for aspirating material from an animal or human body cavity, the method comprising the steps of:

inserting an instrument adapted to manipulate the tissue through the body cavity, the instrument having a passage therein;

suctioning fluid from the tissue through the passage of the instrument; and

dilating the cavity to remove tissue that is unable to fit completely within a cannula without substantial compression of the tissue.

7. (original) The method of claim 6, further comprising the step of grasping the tissue with the instrument to remove the tissue from the cavity.

8. (original) The method of claim 6, further comprising the step of treating the tissue to at least partially dissolve the tissue or any contents in the tissue.

9. (original) The method of claim 8, wherein the treating step includes the sub-step of treating the tissue with methyl tert-butyl ether.

10. (original) The method of claim 6, further comprising the step of inserting a cannula into the cavity, the cannula having a lumen adapted to accept the instrument.

11. (original) The method of claim 8, wherein the treating step is performed through the passage of the instrument.

Claim 12. (cancelled).

13. (previously presented) The method of claim 6, wherein the dilating step is performed by the instrument.

23. (original) The method of claim 18, wherein the leading end of the dilator includes a draw cable for drawing in the leading end of the dilator, further comprising the step of pulling the draw cable to draw in the leading end of the dilator.

Claim 24. (cancelled).

25. (original) The method of claim 18, wherein the step of inserting the cannula includes inserting a cannula having a maximum diameter in the range of 3 mm to 5 mm.

[redacted]reviously presented) A surgical tool set for removing tissue from an animal or human body cavity, said tool set comprising:

a surgical extractor dilator having a leading end, a trailing end, a length therebetween, and a lumen between the leading and trailing ends, said leading end having a dilator movable between an unexpanded position and an expanded position;

a grasper insertable within said lumen of said surgical extractor dilator, said grasper having a leading end with grasping surfaces, a trailing end with a handle, and a lumen between the leading and trailing ends, said lumen of said grasper adapted to permit the passage of a surgical instrument therethrough, said grasper having a length greater than the length of said surgical extractor dilator; and

an elongated needle adapted [redacted] within said lumen of said grasper, said needle having a length sufficient to extend beyond a distal end of said grasper.

Claim 27. (cancelled).

28. (previously presented) The surgical tool set of claim 26, wherein said needle is adapted to be connected to a syringe.

29. (previously presented) The surgical tool set of claim 26, wherein said needle is adapted to be connected to an aspirator.

30. (original) The surgical tool set of claim 26, further comprising a cannula for providing protected access to a surgical site, said cannula having a leading end, a trailing end, a length therebetween, and a lumen between the leading and trailing ends adapted to permit passage of said surgical extractor dilator therethrough.

31. (original) The surgical tool set of claim 30, wherein said cannula has a maximum outer diameter less than 10 mm.

32. (original) The surgical tool set of claim 31, wherein said cannula has a maximum outer diameter in the range of 3 mm to 5 mm.

33. (original) The surgical tool set of claim 26, further comprising at least one seal oriented within said lumen of said surgical extractor dilator configured to permit the passage of said grasper therethrough while inhibiting a loss of pressure from within the body cavity after said surgical extractor dilator is inserted in the patient.

34. (original) The surgical tool set of claim 33, wherein said at least one seal has a through-hole smaller than the maximum cross sectional dimension of said grasper.

[redacted]reviously presented) A surgical extractor for [redacted]issue from an animal or human body cavity, the extractor comprising:

a body having a leading end, a trailing end, a longitudinal axis, and a lumen between said leading and trailing ends;

a dilator at the leading end of said body being movable between an unexpanded position and an expanded position, said dilator having an inner surface; and

tissue retaining protrusions on said inner surface of said dilator, said tissue retaining protrusions being uniformly spaced around the longitudinal axis of said body and being configured to generally point towards said trailing end of said body when said dilator is in the expanded position.

36. (original) The surgical extractor of claim 35, wherein said tissue retaining protrusions are teeth.

Claim 37. (cancelled).

38. (original) The surgical extractor of claim 35, wherein said tissue retaining protrusions are spaced substantially about the entire area of said inner surface.

(previously presented) A surgical extractor for removing tissue from an animal or human body cavity, the extractor comprising:

a body having a leading end, a trailing end, a longitudinal axis, and a lumen between said leading and trailing ends;

a dilator at the leading end of said body being movable between an unexpanded position and an expanded position, said dilator having an inner surface, said dilator including a cell migration barrier formed between at least two different materials; and

tissue retaining protrusions on said inner surface of said dilator, said tissue retaining protrusions being uniformly spaced around the longitudinal axis of said body.

40. (original) The surgical extractor of claim 39, wherein one of said materials is PTFE.

41. (original) The surgical extractor of claim 39, wherein one of said materials is polyester.

42. (original) The surgical extractor of claim 35, wherein said dilator includes a memory element configured to expand said dilator from the unexpanded position to the expanded position.

(previously presented) A surgical extractor for removing tissue from an animal or human body cavity, the extractor comprising:

a body having a leading end, a trailing end, a longitudinal axis, and a lumen between said leading and trailing ends;

a dilator at the leading end of said body being movable between an unexpanded position and an expanded position, said dilator having an inner surface and a memory element configured to expand said dilator from the unexpanded position to the expanded position, said memory element being along a circumference of said dilator; and

tissue retaining protrusions on said inner surface of said dilator, said tissue retaining protrusions being uniformly spaced around the longitudinal axis of said body.

44. (original) The surgical extractor of claim 43, wherein said memory element is positioned at a leading end of said dilator.

45. (original) The surgical extractor of claim 42, wherein said dilator includes memory elements parallel to the longitudinal axis when said dilator is in the unexpanded position.

46. (original) The surgical extractor of claim 42, wherein said memory element is adapted to expand said leading end of said dilator to an angle of at least 10 degrees from the longitudinal axis of said surgical extractor.

47. (original) The surgical extractor of claim 42, wherein said memory element is adapted to expand said leading end of said dilator to an angle of at least 20 degrees from the longitudinal axis of said body.

48. (original) The surgical extractor of claim 35, further comprising a retainer around at least a portion of said dilator for maintaining said dilator in the unexpanded position, said retainer being adapted to be removed from said dilator, thereby allowing said dilator to move to the expanded position.

49. (original) The surgical extractor of claim 35, wherein said dilator has a maximum diameter in the range of 3 mm to 5 mm in the unexpanded position.

50. (original) The surgical extractor of claim 35, wherein said tissue retaining protrusions are formed from a memory element.

a retainer for restricting said dilator in the unexpanded position, said retainer being adapted to be removed from said dilator, thereby allowing said dilator to move to the expanded position, said retainer including a grip proximate said trailing end of said body for peeling open said retainer.

59. (original) The surgical extractor of claim 58, wherein said retainer comprises a polyurethane film.

Claim 60. (cancelled).

61. (original) A surgical extractor for removing tissue from an animal or human body cavity of a patient, the extractor comprising:

a body having a leading end, a trailing end, a longitudinal axis, and a lumen between said leading and trailing ends;

a dilator at the leading end of said body being movable between an unexpanded position and an expanded position, said dilator having a leading end;

a cover at the leading end of said dilator adapted to capture the tissue prior to the extraction thereof from the patient; and

a draw cable running through said lumen of said body, and having at least one loop at the leading end of said cover, said draw cable being adapted to draw in said cover upon moving said draw cable away from the trailing end of said body.

62. (original) The surgical extractor of claim 61, wherein said cover includes a hem enclosing at least a portion of said draw cable.

63. (original) The surgical extractor of claim 61, wherein said draw cable is adapted to run from said cover through said lumen of said body and lie beyond said trailing end of said body.

[redacted]riginal) The surgical extractor of claim 61, wherein said cover has a perimeter and a distal end of said draw cable is adapted to circumscribe the perimeter of said cover to form [redacted]ast one loop.

65. (original) The surgical extractor of claim 64, wherein said draw cable is adapted to form a plurality of loops around the perimeter of said cover.

66. (original) The surgical extractor of claim 61, wherein said cover is made from a breathable material.

67. (previously presented) The surgical extractor of claim 61, wherein said cover is watertight.

(original) A method for removing tissue from an animal or human body cavity, the method comprising the steps of:

inserting a cannula into the cavity;

inserting a dilator into the cannula, the dilator having a leading end with a cover attached thereto, the cover [redacted] cable adapted to draw in the cover;

expanding the leading end of the dilator to an [redacted] position;

moving the tissue into the dilator; and

drawing the draw cable.

69. (original) The method of claim 68, wherein the drawing step includes the step of drawing the draw cable to draw in the cover while the tissue is within the cavity.

70. (original) The method of claim 68, further comprising the step of dilating the cavity to remove the tissue.

71. (original) The method of claim 68, further comprising the steps of inserting a grasper through the cannula and grasping the tissue with the grasper to remove the tissue from the cavity.

(original) The method of claim 68, wherein the draw cable has a distal end attached to the [redacted] proximal end lying outside the cannula, the pulling step including the sub-step of pulling the proximal end of the draw cable to draw in the cover.

Claims 73-88. (cancelled).

103. (previously presented) The surgical extractor of claim 101, wherein said memory element is adapted to expand said leading end of said dilator to an angle of at least 10 degrees from the longitudinal axis of said surgical extractor.

104. (previously presented) The surgical extractor of claim 101, wherein said memory element is adapted to expand said leading end of said dilator to an angle of at least 20 degrees from the longitudinal axis of said body.

105. (previously presented) The surgical extractor of claim 39, further comprising a retainer around at least a portion of said dilator for maintaining said dilator in the unexpanded position, said retainer being adapted to be removed from said dilator, thereby allowing said dilator to move to the expanded position.

106. (previously presented) The surgical extractor of claim 39, wherein said dilator has a maximum diameter in the range of 3 mm to 5 mm in the unexpanded position.

107. (previously presented) The surgical extractor of claim 39, wherein said tissue retaining protrusions are formed from a memory element.

108. (previously presented) The surgical extractor of claim 43, wherein said tissue retaining protrusions are teeth.

109. (previously presented) The surgical extractor of claim 43, wherein said tissue retaining protrusions are spaced substantially about the entire area of said inner surface.

110. (previously presented) The surgical extractor of claim 43, wherein said memory element is adapted to expand said leading end of said dilator to an angle of at least 10 degrees from the longitudinal axis of said surgical extractor.

111. (previously presented) The surgical extractor of claim 43, wherein said memory element is adapted to expand said leading end of said dilator to an angle of at least 20 degrees from the longitudinal axis of said body.

112. (previously presented) The surgical extractor of claim 43, further comprising a retainer around at least a portion of said dilator for maintaining said dilator in the

unexpanded position said retainer being adapted to be removed from said dilator, thereby allowing said dilator to move to the expanded position.

113. (previously presented) The surgical extractor of claim 43, wherein said dilator has a maximum diameter in the range of 3 mm to 5 mm in the unexpanded position.

114. (previously presented) The surgical extractor of claim 43, wherein said tissue retaining protrusions are formed from a memory element.

115. (previously presented) The method of claim 89, wherein the step of inserting the cannula includes inserting a cannula having a maximum diameter in the range of 3 mm to 5 mm.

[redacted] (previously presented) The method of claim 89, wherein the step of suctioning includes the step of suctioning [redacted] or other material from a gall bladder.